



Atty. Dkt. No. 071949-1307

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth F. Buechler  
Title: DIAGNOSTIC DEVICES AND  
APPARATUS FOR THE  
CONTROLLED MOVEMENT  
OF REAGENTS WITHOUT  
MEMBRANES

Appl. No.: 09/613,650

Filing Date: 7/11/2000

Examiner: Alexander, Lyle

Art Unit: 1743

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EL990321093US	August 25, 2004
(Express Mail Label Number)	(Date of Deposit)
Germaine Sarda	
(Printed Name)	
	
(Signature)	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

Applicant wishes to point out that the submitted references were listed in an earlier Form PTO/1449 made of record in this application on January 1, 2001. As stated therein, Applicants indicated that copies of the references were "cited and or provided in the parent application number 09/017,817 filed May 1, 1998." However, the cited parent application number was incorrect. As such, the Examiner lined through the references in the Form PTO/1449 which were not supplied with the submission (see Form PTO/1449 attached to the Office Action mailed

March 18, 2002). To set the record straight, Applicant has provided the missing references herein in conjunction with a Request for Continued Examination.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits after the filing of a request for continued examination under §1.114.

#### **RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

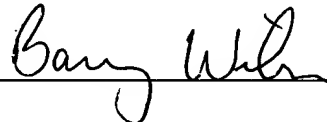
**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement..

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

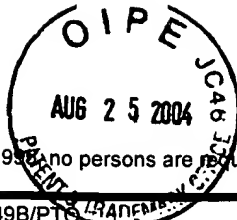
Respectfully submitted,

Date August 25, 2004

By 

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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Date Submitted: August 25, 2004

(use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	09/613,650
Filing Date	7/11/2000
First Named Inventor	Kenneth F. Buechler, Ph.D.
Group Art Unit	1743
Examiner Name	Alexander, Lyle
Attorney Docket Number	071949-1307

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A1		0 212 314 B1		Biotrack, Inc.	04-27-1994		
	A2		EP 0 348 006 B2		Behring Diagnostics, Inc.	10-22-1997		
	A3		0 418 765 A2		Becton Dickinson & Co.	03-27-1991		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 4496 PTO

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STATEMENT BY APPLICANT**

Date Submitted: August 25, 2004

(use as many sheets as necessary)

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First Named Inventor	Kenneth F. Buechler, Ph.D.
Group Art Unit	1743
Examiner Name	Alexander, Lyle
Attorney Docket Number	071949-1307

Sheet 2 of 2

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	B1	Cambridge Dictionary of Science and Technology, (Peter M.B. Walker, Gen. Ed.), New York, NY, p. 131 (1988) (Reprinted 1990)	
	B2	K.A. Dill, "Dominant Forces in Protein Folding," <i>Biochemistry</i> , <u>29</u> (31):7133-7155 (1990)	
	B3	G. Frens, "Controlled Nucleation of the Regulation of the Particle Size in Monodisperse Gold Suspensions," <i>Nature Physical Science</i> , <u>241</u> :20-22 (1973)	
	B4	Laibinis, et al., "ω-Terminated Alkanethiolate Monolayers on Surfaces of Copper, Silver, and Gold Have Similar Wettabilities," <i>J. Am. Chem. Soc.</i> , <u>114</u> :1990-1995 (1992)	
	B5	Lou, et al., "One-Step Competitive Immunochromatographic Assay for Semiquantitative Determination of Lipoprotein(a) in Plasma," <i>Clin. Chem.</i> , <u>39</u> (4):619-624 (1993)	
	B6	D. Myers, "Surfaces, Interfaces, and Colloids - Principles and Applications," (VCH Publishers, Inc.), New York, NY (1991)	
	B7	Ross, et al., "Thermodynamics of Protein Association Reactions: Forces Contributing to Stability," <i>Biochemistry</i> , <u>20</u> :3096-3102 (1981)	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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